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7 LOUIS A. LIBERTY,
8 Plaintiff,
9 v.
10 NATIONAL AUTOMOBILE SAFETY
11 COUNCIL, INC.,
12 Defendant.

Case No. 22-cv-03990-SK

SECOND ORDER TO SHOW CAUSE

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13 The Court HEREBY ORDERS Plaintiff TO SHOW CAUSE why this case should not be
14 dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). As shown by
15 a review of the procedural history in this case, Plaintiff has failed to prosecute this case. This is
16 the second order to show cause for failure to prosecute. (Dkt. No. 44.) The prior issues regarding
17 Plaintiff's failure to prosecute are discussed therein. Plaintiff responded to the first order to show
18 cause on March 12, 2023 and stated that his failure to respond by court deadlines was due to "a
19 serious setback in his medical condition." (Dkt. No. 46)

20 After filing a response to the order to show cause, Plaintiff filed a motion for default
21 judgement on March 13, 2023. (Dkt. No. 47.) The motion for default judgment had a reply from
22 Plaintiff due on April 3, 2023. Plaintiff has not filed any reply at the time of this order. Defendant
23 filed a motion to set aside default and a motion to dismiss on March 25, 2023. (Dkt. Nos. 49, 50.)
24 Plaintiff's deadline to file a response was April 10, 2023. Plaintiff has not filed a response for
25 either at the time of this order.

26 Plaintiff sent an email to this Court on April 5, 2023 requesting a two week continuance of
27 his deadlines. The Court directed Plaintiff to file a formal motion for an extension of deadlines.
28 Plaintiff has not filed any motion for continuance at the time of this order.

1 Plaintiff shall file a written response to this Order to Show Cause by no later than April 18,
2 2023. Plaintiff is admonished that, if he fails to file a response to this Order to Show Cause by
3 April 18, 2023, the Court will reassign this matter and issue a report and recommendation that this
4 matter be dismissed for failure to prosecute without any further notice.

5 **IT IS SO ORDERED.**

6 Dated: April 11, 2023

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8 SALLIE KIM
9 United States Magistrate Judge

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United States District Court
Northern District of California